

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KEVIN NORRIS,)	
)	
Petitioner-Appellant,)	
)	C.A. No. 05-11353-MLW
v.)	
)	App. No. 06-2312
STEVEN O'BRIEN, Superintendent,)	
)	
Respondent-Appellee.)	

ORDER ON MOTION FOR LEAVE TO APPEAL IN FORMA PAUPERIS

WOLF, C.J.

On November 24, 2006, Petitioner/Appellee Kevin Norris filed in the United States Court of Appeals for the First Circuit a motion for leave to appeal in forma pauperis. Norris is appealing this Court's dismissal of his petition for a writ of habeas corpus under 28 U.S.C. § 2254. See Norris v. O'Brien, C.A. No. 05-11365-MLW (orders dated July 26 and July 27, 2006). On December 4, 2006, the First Circuit ordered that Norris's motion for leave to appeal in forma pauperis be transmitted to this Court for a ruling.

According to the Norris's motion and the documents submitted therewith, Norris earns \$10.00 per month from his prison job. The only other income he receives is contributions from family and friends, which Norris uses for canteen purchases. Although the average monthly combined balance of his prison accounts for May 16 through November 16, 2006 was \$456.61, the combined balances on November 16 and October 16, 2006 were \$267.80 and 314.18, respectively.

Based on Norris's financial disclosures, the Court finds that he lacks sufficient funds with which to pay the \$455.00 appellate filing fee. Accordingly, the Petitioner's motion for leave to appeal in forma pauperis is hereby ALLOWED. The Clerk shall forward a copy of this Order to the First Circuit.

January 18, 2007
DATE

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE